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In re Application of
Michael Brader-Araje et al.
Application No. 09/549,370
Filed: April 13, 2000
Attorney Docket No. 9144-5

DECISION GRANTING
PETITION

This is a decision on the petition filed on January 19, 2001, requesting that the above-identified application be accorded a filing date of April 13, 2000, rather than the presently accorded filing date of April 14, 2000.

Petitioners request the earlier filing date on the basis that the application was purportedly deposited in Express Mail service on April 13, 2000, pursuant to 37 CFR 1.10, but the "date-in" on petitioner's "Express Mail" mailing label is not legible. In further support, petitioners have submitted a copy of an USPS record styled "Pickup Service Statement - Express mail, Priority Mail, or Parcel Post" showing that a package bearing Express Mail label No. EL533612137US was picked up by the USPS from counsel's office on April 13, 2000.

Since the evidence from the USPS, namely, the Express Mail Pickup Service Statement, corroborates a "date-in" of April 13, 2000, the Petition is granted. Since the petition was a result of PTO error, the \$130.00 petition fee is being refunded to counsel's deposit account.

The application is being returned to Initial Patent Examination Division for correction of the filing date to April 13, 2000.

Telephone inquiries specific to this matter should be directed to Wan Laymon at (703) 306-5685.

Sherry Brinkley
Sherry Brinkley
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for Patent Examination Policy